



Devolution of Lands and Resources in the Northwest Territories



Presentation to Utah State Legislature
Commission for the Stewardship of Public Lands

The NWT Context



Background



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Background

- The Northwest Territories has been a territory of Canada's since 1870, and has gradually assumed greater autonomy.
- The NWT now enjoys almost all of the same jurisdictional authority as Canada's provinces.
- The last major transfer of federal responsibilities was made effective on April 1, 2014.
- After 11 years of negotiations, responsibility for public lands and waters was transferred from the Government of Canada to the Government of the Northwest

A Long Standing Priority



Why Devolve?

- Devolution of lands and resources had been a long standing political priority for the Government of the NWT, and a stated priority for the Government of Canada.
- Both governments believed that having more local control over public lands would be beneficial.
- The GNWT believes that decisions respecting public lands are best made by the government closest to the subject matter.
- Unlike previous transfers of responsibility, devolution of lands and resources also involved new revenue in the form of royalties.

What Changed



What Devolution Means

- As of April 1, 2014, the vast majority of public lands in the NWT are now administered by the Government of the NWT
- Resource development now occurs under the authority of the territorial government, subject to NWT laws and policies.
- The federal government retained some sites where remediation obligations from past development occurs, National Parks and some smaller parcels identified for specific federal needs.
- The GNWT now collects resource royalties.



Negotiations



Why it took 11 years

- The Devolution Agreement covers a breadth of subjects and addresses:
 - Exclusions from the transfer
 - Responsibility for cleaning up “waste sites” where previous resource development created hazards to the environment and human health
 - How resource royalties will be shared among governments
 - How existing federal staff would be transferred to the GNWT
 - How the Government of the Northwest Territories would be financially resourced to deliver new responsibilities
 - How Aboriginal governments would be involved in land management
 - How the Devolution Agreement would be implemented.

Key Features



Highlights of the Devo Agreement

- Formalized intergovernmental working relationship with Aboriginal governments
- Resource Revenue Sharing with Aboriginal governments
- Additional resources provided for land management responsibilities
- Strong focus on implementation work to ensure a smooth transition



Implementation



A seamless transition

- The goal to have as smooth of a transition as possible
- Work undertaken included:
 - Designing the organizational structure necessary to accommodate the new responsibilities
 - Matching 132 accepted job offers with new positions
 - Assessing transferring assets
 - Establishing a new Department of Lands and amending the mandates of existing departments
 - Mirroring existing federal acts and regulations



Post Devolution Legislative Framework

EXISTING FEDERAL LEGISLATION and REGULATIONS	→	NEW GNWT LEGISLATION AND REGULATIONS	GNWT DEPT.
<i>Canada Oil and Gas Operations Act</i>	→	<i>Oil and Gas Operations Act</i>	ITI
Canada Oil and Gas Certificate of Fitness Regulations	→	Oil and Gas Certificate of Fitness Regulations	ITI
Canada Oil and Gas Diving Regulations	→	Oil and Gas Diving Regulations	ITI
Canada Oil and Gas Drilling and Production Regulations	→	Oil and Gas Drilling and Production Regulations	ITI
Canada Oil and Gas Geophysical Operations Regulations	→	Oil and Gas Geophysical Operations Regulations	ITI
Canada Oil and Gas Installations Regulations	→	Oil and Gas Installation Regulations	ITI
Canada Oil and Gas Operations Regulations	→	Oil and Gas Operations Regulations	ITI
Oil and Gas Spills and Debris Liability Regulations	→	Oil and Gas Spills and Debris Liability Regulations	ITI
<i>Canada Petroleum Resources Act</i>	→	<i>Petroleum Resources Act</i>	ITI
Environmental Studies Research Fund Regions Regulations: (AANDC prescribed regions)	→	Environmental Studies Research Fund Regions Regulations	ITI
Frontier Lands Petroleum Royalty Regulations	→	Petroleum Lands Royalty Regulations	ITI
Frontier Lands Registration Regulations	→	Petroleum Lands Registration Regulations	ITI
<i>Canada Labour Code</i>	→	<i>Safety Act</i> (existing)	WSCC
Oil and Gas Occupational Safety and Health Regulations	→	Oil and Gas Occupational Safety and Health Regulations	WSCC

Post Devolution Legislative Framework

EXISTING FEDERAL LEGISLATION and REGULATIONS	→	NEW GNWT LEGISLATION AND REGULATIONS	GNWT DEPT.
<i>Northwest Territories Waters Act</i>	→	<i>Waters Act</i>	ENR
Waters Regulations	→	Waters Regulations	ENR
Expropriation Fees Regulations	→	Expropriation Fees Regulations	ENR
<i>Northwest Territories Surface Rights Board Act</i>	→	<i>Surface Rights Board Act</i>	Lands
<i>Territorial Lands Act</i>	→	<i>Northwest Territories Lands Act</i>	Lands
Canada Oil and Gas Land Regulations	→	Oil and Gas Land Regulations	ITI
Territorial Dredging Regulations	→	Dredging Regulations	ITI
Territorial Land Use Regulations	→	Northwest Territories Land Use Regulations	Lands
Territorial Lands Regulations	→	Northwest Territories Lands Regulations	Lands
Territorial Quarrying Regulations	→	Quarrying Regulations	Lands
Northwest Territories Mining Regulations (formerly the Northwest Territories and Nunavut Mining Regulations)	→	Mining Regulations	ITI
Territorial Coal Regulations	→	Coal Regulations	ITI
<i>Northwest Territories Act</i>			
Northwest Territories Reindeer Regulations	→	<i>Reindeer Act</i> Reindeer Regulations	ENR
Northwest Territories Archeological Sites Regulations	→	<i>Archaeological Sites Act</i> Archeological Sites Regulations	ECE

Successes to Date



Achievements since April 1, 2014

- Legislation was mirrored and programs delivered seamlessly
- Approximately \$80M in resource royalties were collected in the first fiscal year
- New policies have been developed and new legislation is being considered
- Industry response has been favorable with greater accessibility and timeliness experienced
- NWT residents have been engaged directly in land and resource matters.



Questions?

